

# EXHIBIT B



**U.S. Department of Justice**

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September 21, 2022

**Via Hand Delivery**

Federal Public Defender's Office  
Western District of New York  
300 Pearl Street, Suite 200  
Buffalo, New York 14202

Attn: A.F.P.D. Sonya Zoghlin, MaryBeth Covert, and Anne Burger

RE: **United States v. Payton Gendron**  
**22-CR-109-LJV**

Dear Counselors:

Enclosed please find voluntary discovery, which is being provided pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure. The discovery includes an encrypted thumb drive and two hard drives ("FPD External Hard Drive" and "USAO External 3TB Hard Drive"). In addition, enclosed with this letter you will find an abridged index consisting of five pages. The thumb drive also contains digital copies of the abridged index and an unabridged index with more detail.

The thumb drive contains 11,994 total documents with a Bates number range of GOV-00000001 through GOV-00055164. The documents have been produced as searchable pdfs, native files, and extracted text. The password for the thumb drive is [REDACTED]

The thumb drive contains all voluntary discovery previously produced in connection with the complaint, as well as additional materials. The discovery categories on the thumb drive consist of the following:

- Complaint Discovery
- Ford Taurus
- Laptop and iPhone
- Victims
- Firearms
- Social Media (non-Discord)
- Witnesses
- Federal Search Warrants
- Subpoena Responses

- Other Videos of Gendron
- Tips\_Leads
- Discord\_Gendron\_G Server\_from-jimboboi
- Twitch
- Lab Evidence
- Camera Screenshots & LPRs
- Tops Evacuation Plan
- Verizon
- FBI CAST
- Apple iCloud
- Google SUNY Broome
- Vcynmvcvnm4@gmail.com
- Other Online Videos of Shooting
- 114 Amber Hill Road
- US Postal Service
- Timeline
- Mail to the Gendron Family (provided to the FBI through counsel)
- Amber Hill Road\_Devices
- Discord
- Manifesto
- Tops (includes BPD, FBI, ECSO, and Buffalo Fire Department materials)
- Go Pro Video
- Gendron (this folder includes all statements and booking information, including statements on BPD bodycam at the time of arrest)

The thumb drive contains four (4) BPD body camera videos, which were included because they document the arrest of, and statements made by, the defendant at Tops. We isolated the BPD body camera videos that we deemed most relevant. However, we have included all of the BPD body camera footage on the FPD External Hard Drive, which you will find listed on the index and under the heading **“NON-BATES NUMBERED DISCOVERY PROVIDED ON EXTERNAL HARD DRIVE.”**

Generally, the FPD External Hard Drive contains discovery files that were too large to fit on the thumb drive. For each electronic device, where an image copy was able to be made, there is an image copy of the device and a separate folder for Attachment B/Relevant Evidence. For each search warrant, there is a folder for the complete production and a separate folder for the Attachment B/Relevant Evidence. All of these materials are further itemized in the indices provided.

The USAO External 3TB Hard Drive contains video footage from the Tops security cameras for March 8, May 13, and May 14, 2022. The footage covers the entire days on those dates. The thumb drive also contains video clips and still images of the video footage from March 8 and May 14, 2022.

It should be noted that many of the enclosed materials contain Personally Identifiable Information (“PII”) and/or are beyond the scope of Rule 16 discovery. For example, we are disclosing, among other things, Grand Jury transcripts, law enforcement reports and notes summarizing witness interviews, video/audio recordings of witness interviews (where such recordings exist), and social media records relating to witnesses and third parties. As you are aware, the enclosed discovery is subject to the Protective Order issued by United States Magistrate Judge H. Kenneth Schroeder, Jr., on September 16, 2022 (Doc. No. 27). Copies of the Protective Order and the acknowledgement form to be used for defense team members and third parties who are given access to the discovery materials are enclosed with this letter. We will also send an email with a digital copy of the acknowledgement form for your use.

The government is not aware of any affirmative exculpatory *Brady* material. We have included in the discovery, however, any materials that you may even arguably consider to be *Brady* material and/or sentencing mitigation evidence (such as information about other Discord users, which you specifically requested).<sup>1</sup>

Pursuant to Rule 12(b)(4) of the Federal Rules of Criminal Procedure, the government intends to use all evidentiary items contained and referenced in the enclosed discovery materials, and all evidentiary items that have otherwise been made available to the defense, in its case-in-chief at trial. Upon request, the government will make the physical evidence and tangible objects in this case available for your inspection at a mutually agreeable time at the United States Attorney’s Office, 138 Delaware Avenue, Buffalo, New York, or another mutually agreeable location.

The government considers voluntary discovery to be complete. However, we are mindful of our ongoing obligations to produce discovery pursuant to Rule 16(c) and *Brady* material. With some limited exceptions, you now have all the materials we have and all of the materials we intend to introduce at trial.

Please contact me at (585) 399-3949 or [brett.harvey@usdoj.gov](mailto:brett.harvey@usdoj.gov) if you have any questions or are missing or unable to access any of the discovery materials.

Very truly yours,

TRINI E. ROSS  
United States Attorney



BY: BRETT A. HARVEY  
Assistant United States Attorney

Enc.

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<sup>1</sup> The government does not agree with your position that these materials constitute exculpatory material.